Supreme Court, U.S.
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No. 03-183

In The
Supreme Court of the United States

JESSE WOODROW SHOTTS,
Petitioner,

v.

MICHAEL RASMUSSEN, alias Mr. Mike, et al.,
Respondents.

On Petition For a Writ of Certiorari
To The United States Court of Appeals
For The Eleventh Circuit

REPLY BRIEF OF PETITIONER, JESSE WOODROW SHOTTS

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TABLE OF AUTHORITIES

Cases

Cruz v. Beto,
405 U.S. 319, 31 L.Ed.2d, 263, 92 S.Ct. 1079.....2

Mitchell v. Forsyth,
472 U.S. 511.....2

U.S. v. Lanier,
520 U.S. 259 (1997).....1

Whitley v. Albers,
475 U.S. 312, 319 (1986).....1

REASONS FOR GRANTING WRIT

The cases cited by Thomas do not apply to the facts and law concerning these circumstances.

When the defendants' were subpoenaed and received the witness and mileage check, they pretended that they had been bribed by Shotts and immediately placed Shotts in SHU pending investigation of bribery, Thomas' brief alluded to the attempt to bribe the health care witnesses still of the pretense that the required witness and mileage checks, was an attempt to bribe her.

Thomas and Hill colluded with the medical staff at Talladega Prison to deny proper medial treatment to Shotts and when exposed, retaliated against him by placing him in the SHU. This activity by the only licensed medical doctors at Talladega, forsake their patient, their profession, and their country.

Hill's brief is in the nature of a confession and avoidance by admitting malpractice (which is not actionable) and denying that he acted with others in the denial of medical benefits. The problem with his denial in that Dr. Butler's report of the herniated disc is so simple that the doctor's assistance rightfully interpreted it. The action by Hill and Thomas is inescapable that they were in concert with Berrios and the other defendants.

The holding by the Court of Appeals in contrary to the comforts of U.S. v. Lanier, 520 U.S. 259 (1997) which provides that defendants have "fair warning" that their alleged treatment is unconstitutional. The denial of adequate pain medication and causing to sleep on a concrete floor "unnecessary and wantonly inflicted pain" which is a clear violation of the Eighth Amendment. Whitley v. Albers, 475 U.S. 312, 319 (1986).

The Court of Appeals decision granted absolute immunity to the defendants for that the conspiracy includes an Assistant U.S. Attorney and two probation officers. Mitchell v. Forsyth, 472 U.S. 511 eliminated the concept that U.S. Attorneys have absolute immunity and that the probation officer does not have absolute immunity for administrative or investigative activities. After Rasmussen and Alexander were exposed for presenting a fraudulently written letter from Berrios, (chief medical officer at Talladega) at the aborted sentencing of January 2001, they began a series of retaliation against Shotts which was heighten when the medical staff was subpoenaed. The retaliation is prohibited in Cruz v. Beto, 405 U.S. 319, 31 L.Ed.2d, 263, 92 S.Ct. 1079 and there is no absolute immunity for the acts of any of the defendants.

SUMMARY

This is a conspiracy led by Rasmussen, Assistant U.S. Attorney for the Northern District of Alabama wherein winning is the only thing. The other defendants played ball with Rasmussen on the concept that "all" would have absolute immunity for "any" act to convicts and that he was in a position to protect all the defendants from any action taken by a convict. The concept of absolute immunity extending to co-defendants and applying to renegade Assistant U.S. Attorneys is out dated and for these reasons, the writ should be granted.

Respectfully submitted,

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